

REMARKS

The Final Office Action mailed November 18, 2003 has been received and reviewed. Claims 10 and 12-28 are pending and are rejected in view cited references. Claims 10, 12-16, 18-20 and 22-28 are amended. Claim 17 is cancelled. Claim 29 is added. For the reasons stated below, the Applicants submit that the claims are in condition for allowance.

Rejection Of Claims 10,12-13 and 15-28 Under 35 U.S.C. § 102(b)

Claims 10, 12-13 and 15-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pethö, et al., (US 4,987,726) (hereinafter "Pethö"), which the Examiner states disclose a method and device for filling and sealing containers in a clean environment with clean room 3. The Examiner further states that Pethö discloses that the containers are closed in a stoppering/closing station; that Pethö provides a system of sealing lock arrangements for the sterile introduction of empty bottles; that prior to entering the clean room the containers are cleaned; that a second cleaning lock is provided inside the clean room for sterile stoppers and that the sterilization system uses inert gasification. Regarding claims 15, 16 an 19, the Examiner states that Pethö teaches the maintenance of sterile conditions in a suitable pressure and, therefore, maintains that Pethö teaches cleaning the exterior of the bottles by positive pressure before final discharge.

Amended claim 10 requires a cleaning device that has a first closing station within the clean room that initially seals the filled containers with a first sealing device and a final closing station positioned outside the clean room for finally closing the

containers with a second sealing device. Support for the amendment is found in the specification as filed at page 6, lines 12-27. Pethö fails to teach such structure. Therefore, claim 10 is not anticipated by Pethö. Additionally, claims 12-16, 18 and 19, which depend from claim 10 and include the limitations thereof, are not anticipated by Pethö. Claim 20, as amended, similarly recites a method comprising the required step of initially sealing the containers within the clean room using a first sealing device and then finally closing the containers outside of the clean room with a second sealing device. No such method is taught or suggested by Pethö. Therefore, claims 20-28 are not anticipated by Pethö.

Further, claims 15 and 29 require washing the filled containers with a fluid material after leaving the clean room which is not taught or suggested by Pethö.

Rejection Of Claim 14 Under 35 U.S.C., § 103(a)

Claim 14 is newly rejected under 35 U.S.C. § 103 as being unpatentable over Pethö in view of Frisk (U.S. Patent 5,928,607). The Examiner states that Pethö does not disclose the use of ozone, but that Frisk teaches the use of ozone for sterilizing a container prior to filling with a perishable product. The Examiner further states that Pethö generally discloses the use of an inert gas.

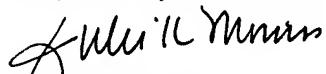
Claim 14 is amended to delete the reference to ozone, thereby rendering the rejection moot. However, with respect to amended claims 13, 14, 18, 19, 24, 25, 26 and 28, neither Pethö nor Frisk, alone or in combination, teaches or suggests the type of cleaning devices or materials claimed. Therefore, claims 13, 14, 18, 19, 24-26 and

28 are not obviated by the references.

CONCLUSION

In view of the arguments presented herein, the Applicants submit that claims 10, 12-16 and 18-29 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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